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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,475	09/12/2003	Dominic Pratt	242800US0X	6315

22850 7590 05/12/2005

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EXAMINER

ELHILO, EISA B

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,475

Applicant(s)

PRATT ET AL.

Examiner

Eisa B. Elhilo

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☒ Claim(s) 1-10 and 12-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 1751

DETAILED ACTION

1 This action is responsive to the amendment filed on February 3, 2005.

2 The rejection of claims 1-6 under 35 U.S.C. 102(b) as being anticipated by Mikoshiba et al. (US 5,344,933) is withdrawn because of the applicant's amendment..

NEW GROUND OF REJECTION

Claim Objections

3 Claims 1-18 objected to because of the following informalities:

In claim 1, at page 4, “;” should be placed between the first formula and the second formula.

In claim 5, at page 6, “;” should be placed between the first formula and the second formula and “and” should be placed between the second formula and third formula.

In claim 5, at page 7, “;” should be placed between the first formula and the second formula and between the second and the third formula and “and” should be placed between the third formula and the fourth formula.

In claim 11, the formulae D-1 to D-50 should be separated by “;” to make the Markush language of these claims in a proper form.

Claims 2-17 objected to because the term “A” at the beginning of each claim should be replaced by the term “The”. Appropriate correction is required.

In claim 18, the examiner suggests the following written claim “ A method for dyeing hair, comprising applying to the hair the dyeing composition of claim 1, reacting the dyeing composition with the hair and removing the dyeing composition from the hair” in order to make the claim in a proper form.

Art Unit: 1751

Claim Rejections - 35 USC § 112

4 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is indefinites because the claim recites the formulae "D-5" and "D-47" in which a carbonyl group is attached to the benzene ring, a formula "D-44" in which "A" represented by a formula Cp-7, a formula "D-48" in which a carbonyl group is attached to the heterocyclic ring, a formula "D-49" which comprises an ester group " $\text{CO}_2\text{C}_2\text{H}_5$ " There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

5 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Mikoshiba et al. (US 5,344,933).

Mikoshiba et al. (US' 933) teaches an azomethine dye represented by formula (III),
~~which is identical to the claimed formula D-44, when in the reference's formula (III), R1 and R4~~
are hydrogen atoms, R2 and R3 are chloride atoms, X is a hydroxyl group and R11, R12 and R13 are cyano groups (see col. 3, formula (III), col. 4, lines 15-21 and col. 6, lines 28-32). Mikoshiba et al. (US' 933) teaches all the limitations of the instant claim. Hence, Mikoshiba et al. (US' 933) anticipates the claim.

Art Unit: 1751

Response to Applicant's Arguments

6 Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

7 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

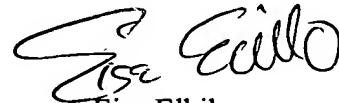
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -5:30) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Eisa Elhilo', with a stylized flourish at the end.

Eisa Elhilo
Patent Examiner
Art Unit 1751

May 10, 2005